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**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**PLAINTIFF**

**DA NGO  
11 CENTRE COURT  
DORCHESTER, MA 02122  
PHONE: (617)605-4771**

**DEFENDANT**

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY  
10 PARK PLAZA  
BOSTON, MA 02116  
PHONE: (617)222-5000**

On September 11, 2009, I filed a complaint to Massachusetts Commission Against Discrimination (MCAD Docket Number: 09 BEM 02373 - EEOC/HUD charge number: 16C02009002371).

On July 11, 2010, my complaint was dismissed by MCAD of Lack Of Probable Cause. After a preliminary hearing was held of September 1, 2010 that Lack Of Probable Cause was affirmed by MCAD.

On June 26, 2009 incident, The Authority charged me with Rule 17, 19,52, and Rule 54 that I was strongly disagreed with the charge which is unfairly. The fact is that I moved the train safely to Fields Corner Station from departing JFK/UMASS with a Motor person was front for eyes, I operated the train from the third car (train line), and a Train Attendant operated the doors from fifth car. I placed train crews in place which follow safety procedure. With Permission and Clearance by Operation Central Control (OCC) Dispatcher moved the train to Ashmont Station on Emergency By-Pass.

Sometimes in 2008 because of no date and time recorded, Train # 1520 was moved on Emergency By-Pass from North Quincy South to Braintree train line from fifth car in service without unload to the nearest station which similar to my situation on June 26, 2009. Inspector Jim Baggett (#66323-White) operated the doors from fifth car, Motorperson Ed Yarde (#6370- Black) operated the train from fifth car (train line), and Train Attendant Ed Christofono (#6223-White) was up front for eyes. At that time, no discipline action against them.

My concern is that they violated Rule 17, 19, 52, Rule 54, how come there was no incident report or any discipline action against them.

On July 3, 2009, I was demoted from Inspector to Motorperson as a result of incident on June 26, 2009. I was forced to voluntarily resign my position as Inspector. Inspector Sheehy<sup>1</sup> wrote the resignation for me that make me feel I do not have fairly representative, he also yelled at me and said to me that if you do not sign this resignation you will be fired. In order to keep my job, I have to sign the *voluntarily resignation*, I signed under duress. He also refused to file my grievance according to the contract.

On March 17, 2010, I was suspended for thirty days. The Authority occurred me failed to stop the train at Quincy Center South on March 10, 2010. I believe that the last car of the train still was in station . As for Rule 68c<sup>2</sup>, I requested to back the train to the proper car marker but was denied by OCC Dispatcher. According to my Train Attendant Kerrigan's (#65382) incident report, the end of the train was still at the station platform. Also I operated train number 1709 which is shop order and the K4 list for brake pack and ATO problem. According to OCC's computer diagram, train # 1708 is not a last car, it was the second car when the incident happened of March 10, 2010<sup>3</sup>.

On above date, I was immediately suspended without pay, The Authority did not let me back to work until October 22, 2010. By the time I was out of work , I claimed unemployment, when I go back to work The Authority made me sign back to work agreement that I have to pay back all the money I collect from unemployment. In order to for me go back to work I have to sign. To my knowledge, I was suspended for thirty days, after the thirty first day I was terminated by The Authority.

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<sup>1</sup> Local 600 - MBTA Inspector Union Representative

<sup>2</sup> Rule 68c: when a train overshoots a station platform, it may be backed to the proper car marker as long as any portion of the train is adjacent to the station platform.

<sup>3</sup> enclosed diagram

All incident happened to me , I did not receive fairly treatment from MBTA and Local 600. Here are some examples: Chief Inspector Cumming (#6219-White) damaged the train in Caddigan Yard and sent Yard Motorperson to the Hospital, he was suspended only for three days. Motorperson Lalond (#8680-White) was suspended ten days for violation safety and later reduced the suspension. Motorperson Kerrigan (#65382-White Female) who was my Train Attendant occurred incident on March 10, 2010 was suspended for three days, later she won the grievance.

In conclusion, I would like to be treated fairly. About the unemployment insurance claim, I would like to pay back up to thirty days instead of all the amount that I had been collected. I also would like to get back my position as the Inspector.



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